

PENN TOWNSHIP PLANNING COMMISSION
AUGUST 5, 2021

Chairman David Baker called to order a meeting of the Penn Township Planning Commission at 7:00 p.m. on Thursday, August 5, 2021. Also present were planning members Thomas Allison, Clayton Black, and Mark Elksnis, along with Zoning Officer Robert Smith, Township Engineer Eric Bortner, and Township Secretary Sweeney. Planner James Lumadue was absent, and Planners Adam Selfridge and Zach Smith were absent with notice.

The planners approved the July 1, 2021 Planning Commission minutes as submitted.

Chairman Baker announced that there is a quorum, however if a split vote would occur, an unfavorable recommendation would carry. There were no objections from the applicants.

The planners received the following zoning appeals and made the following recommendations:

ZHB21-012 John T. & Darlene L. Ruhlman, 8017 Gnatstown Road, Hanover, PA 17331. Applicant is requesting a variance to Section 202.3 (Area and Bulk Regulations), 303.1 (Off Street Parking), Section 303.2 (Parking Space Dimensions) in order to create Residential lots that do not comply with the current standards set forth in these sections of the zoning ordinance. The property is located at 1593 Baer Avenue in the R-8 zone. **The applicant withdrew the current zoning application on July 23, 2021.**

ZHB21-18 High Pointe LLC, 4175 Hanover Pike, Manchester, MD 21102. The applicant is requesting a variance under Section 300.3 (Fences and Walls) in order to construct a fence on two building lots that extends into the front yard area. The property is located at 45 and 50 Cornell Drive in the R-C zone.

Mr. Robert Sharrah, Sharrah Design Group, Inc., represented this request. Zoning Officer Smith asked Mr. Sharrah if he was going to pursue section 708 (Interpretation). Mr. Sharrah stated that at this point, he is here requesting the variance, and wishes to continue. Zoning Officer Smith stated he received a statement from the Township attorney and Mr. Sharrah stated that he did receive a copy. Zoning Officer Smith read section 708 (Interpretation) for the Commission. Mr. Sharrah referenced the Stormwater Ordinance, chapter 268, 15B-4, which requires the stormwater retention area to be completely surrounded by a chain link fence, no less than four feet in height, with alternative fences and barriers may be permitted with approval by the township. Mr. Sharrah stated that they had submitted a request for a split rail fence, with wire backing in 2016 as an alternative to the chain-link fence and the request was denied. His interpretation is, that if there is a requirement more stringent than the Zoning Ordinance, which would be Chapter 268 of the Stormwater Ordinance, the Stormwater Ordinance should prevail. Planner Elksnis expressed concern that the area is a mess, and added that the area has three to four hundred thousand-dollar homes, and would like see

something more attractive than a chain link fence. Planner Baker expressed concern that someone may fall into the retention pond, and added there needs to be a fence around the area. Planner Black summarized that Mr. Sharrah is requesting to place a four-foot fence around the basin, he further stated that because it is two corner lots, in the front yard, the Zoning Ordinance limits three foot in height. Planner Black further stated that he is requesting a variance to place a four-foot fence in the front yard to comply with the Stormwater Ordinance. Mr. Sharrah confirmed that is correct.

Planner Elksnis moved for an unfavorable recommendation to the Penn Township Zoning Hearing Board on case ZHB21-18-High Pointe LLC, requesting a variance to section 300.3 (Fences and Walls) in order to construct a fence on two building lots that extends into the front yard area. Motion died as there was a lack of a second motion.

Planner Black asked Planner Elksnis why he moved for an unfavorable recommendation. Planner Elksnis expressed that the Planning Commission should not make a recommendation against the Stormwater Ordinance. After some discussion, Planner Elksnis stated that he misunderstood, referencing to the discussion from last months meeting of a three-foot fence. Planner Elksnis stated he is in favor of a four foot fence, however would prefer a fence more appealing than the chain-link.

Planners Baker/Elksnis moved for a favorable recommendation to the Penn Township Zoning Hearing Board on case ZHB21-18-High Pointe LLC, requesting a variance to section 300.3 (Fences and Walls) in order to construct a fence on two building lots that extends into the front yard area, with the condition that it is a four-foot fence, and further stated the fence can be a more aesthetically appealing then a chain link fence, as it meets the requirements for a variance set forth in Section 502.3 a) thru f). Motion carried on a 4-0 vote.

ZHB21-19 Orbis & Alexandria Lopez, 519 Meade Avenue, Hanover, PA 17331. The applicant is requesting a special exception under Section 202.2 (Uses by Special Exceptions) in order to operate a hair salon and a variance under Section 618F (No sale of goods or merchandise shall occur on the premises, other than those goods or merchandise that are produced on the premises). The property is located at 519 Meade Avenue in the R-8 zone.

Mr. & Mrs. Lopez represented this request. Mr. Lopez reported the existing area is formally a garage, and they would like to install a shower if the salon does not work. Mrs. Lopez stated they are requesting to utilize the space to operate a one-chair hair salon. They are not making any exterior changes to the house. She would operate by appointment only, with hours Monday through Friday 9 A.M. to 5 P.M. There is ample off-street parking and the neighbors are aware of their intentions. Zoning Officer Smith requested that she forward a copy of her license.

Planners Black/Elksnis moved for a favorable recommendation to the Penn Township Zoning Hearing Board on case ZHB21-19-Orbis & Alexandria Lopez

requesting a special exception under Section 202.2 (Uses by Special Exceptions) in order to operate a hair salon and a variance under Section 618F (No sale of goods or merchandise shall occur on the premises, other than those goods or merchandise that are produced on the premises) as it meets the requirements for special exception as set forth in Section 503.3 a) thru e) and a variance as set forth in Section 502.3 a) thru f). Motion carried on a 4-0 vote.

ZHB21-20 Judy Chamberlain, 222 Moore Drive, Hanover, PA 17331. The applicant is appealing the conditions of special exceptions under Section 618 (Home Occupation) to extend the days allowed to operate business. The property is located at 222 Moore Drive in the R-15 zone.

Ms. Chamberlain represented this request. Zoning Officer Smith reported that he has had several complaints regarding weekend business and parking on the street. Ms. Chamberlain was granted a special exception in 2005 to operate her fitness classes out of her home on Tuesday, Wednesday and Thursdays, with the condition that there would be no parking on the street. Ms. Chamberlain stated that she currently offers one class on Tuesday, two on Wednesday, and one on Thursday, with limited hours. She is requesting to operate Monday through Sunday, offering training classes on Saturdays from 8 a.m. to 11 a.m. six weeks out of the year, and on Sundays 8 a.m. to 4 p.m. January through April. She has widened her driveway to accommodate seven vehicles, and her and her husband are able to park in the neighbor's driveway. Planner Elksnis reported that her website offers a class on Monday. Ms. Chamberlain clarified that is a class conducted on-line. Planner Black expressed his concern that she has defied the 2005 stipulation that no parking was to be on the street, as well as the weekend hours.

Planner Baker moved for a favorable recommendation to the Penn Township Zoning Hearing Board on Case ZHB21-20-Judy Chamberlain appealing the conditions of special exceptions under Section 618 (Home Occupation) to extend the days allowed to operate business as it meets the requirements for a special exception as set forth in Section 503.3 a) thru e). Motion died as there was a lack of a second motion.

Planners Black/Elksnis moved for an unfavorable recommendation to the Penn Township Zoning Hearing Board on case ZHB21-20-Judy Chamberlain appealing the conditions of special exceptions under Section 618 (Home Occupation) to extend the days allowed to operate business as it does not meet the requirements for a special exception as set forth in Section 503.3 a) thru e). Unfavorable motion carried 3-1 with Planner Baker casting the dissenting vote.

ZHB21-21 Richard Payne, P.O. Box 845, Manchester, MD 21102. The applicant is requesting a variance to Section 202.3 (Area and Bulk Regulations) in order to add an addition to the existing residence that will extend into the front setbacks. The property is located at 126 Fair Avenue in the R-8 zone.

Zoning Officer Smith stated that this lot falls under section 406, "where the setback requirements conform with the average established by existing uses in the

neighborhood, excepting, however, those lots covered under Section 405 hereof.” Zoning Officer Smith stated that average setback of the area is thirteen feet, and Mr. Payne is requesting a variance to encroach three feet into the setback. Mr. Payne stated that this is a corner, double lot, and he would like to add an addition to the side of the existing house towards Peter Street. The addition would not hinder the visibility of traffic at the corner stop sign.

Planners Allison/Elksnis moved for a favorable recommendation to the Penn Township Zoning Hearing Board on case ZHB21-21-Richard Payne requesting a variance to Section 202.3 (Area and Bulk Regulations) in order to add an addition to the existing residence that will extend into the front setbacks, as it meets the requirements for a variance as set forth in Section 502.3 a) thru f). Motion carried on a 4-0 vote.

ZHB21-22 Stryten Manufacturing, 3700 Mansell Road, Suite 400, Alpharetta, Georgia 30022. The applicant is requesting a variance to Section 209.3 (Area and Bulk Regulations) in order to install two silos that exceed the maximum height restrictions. The property is located at 14 Barnhart Drive in the Industrial zone.

Joseph Little, and Juan Dejesus, of Stryten Manufacturing represented this request. Mr. Little stated that there will be a total of five silos, one forty foot, two fifty foot, and two fifty-three-foot-tall located by the loading docks. Planner Elksnis asked if the two fifty-three-foot silos could be placed further down into the ground, Mr. Dejesus stated that they could not, there is a pre-set access door, and it would make transference of the stored materials very difficult.

Planners Black/Elksnis moved for a favorable recommendation to the Penn Township Zoning Hearing Board on case ZHB21-22-Stryten Manufacturing requesting a variance to Section 209.3 (Area and Bulk Regulations) in order to install two silos that exceed the maximum height restrictions as it meets the requirements for a variance as set forth in Section 502.3 a) thru f). Motion carried on a 4-0 vote.

ZHB21-23 Dean & Lori Garrett, 300 Park Heights Boulevard, Hanover, PA 17331. The applicant is requesting a variance to Section 203.3 (Area and Bulk Regulations) in order to construct a roof over an existing patio that extends into the rear setbacks. The property is located at 300 Park Heights Boulevard, Hanover, PA 17331 in the R-15 zone.

Mr. & Mrs. Garrett represented this request. Planner Elksnis reported that he drove by the area and it appears that the building of the roof had already begun. Zoning Officer Smith stated that the plan was approved by the third-party inspector, but when he reviewed the plan, he found that it was too close to the property line. He added that he was in contact with the contractor, and a hold was placed on the project. Mr. Garrett stated they have resided at the home for twenty-eight years, and own the parcel behind them. Planner Elksnis asked why he didn't have the two parcels combined into one deed, then there would be no need to request a variance. Mr. Garrett stated that if he had known he would have to go through this process he would have had the deeds

combined. Zoning Officer Smith stated the existing patio is in compliance at three and a half feet from the property line, but to add the roof, there is a required thirty foot set back. Planners Black and Elksnis expressed concern that as two separate parcels and if/when the property would be sold, the structure is not compliant.

Planners Allison/Baker moved for a favorable recommendation to the Penn Township Zoning Hearing Board on case ZHB21-23-Dean & Lori Garrett requesting a variance to Section 203.3 (Area and Bulk Regulations) in order to construct a roof over an existing patio that extends into the rear setbacks. Vote was 2-2 with Planners Black/Elksnis casting the dissenting votes, therefore an unfavorable motion carried.

Review and make recommendations on waiver and exoneration requests: There were none.

The planners reviewed and made recommendations on the following pending subdivision/land development plans:

SL17-10-MUSTANG POINTE, J. A. Myers, 160 Ram Drive, Hanover, PA 17331. A preliminary subdivision plan to create 190 new residential building lots. The property is located between Breezewood Drive and Bowman Road in the R-8 zone.

There was no action taken on this plan.

SL20-09-PERO FARMS HANOVER FACILITY LLC, Pero Farms, 26 Industrial Drive, Hanover, PA 17331. A land development plan submitted in order to construct a manufacturing addition. The property is located at 26 Industrial Drive in the Industrial zone. **There was no action taken on this plan.**

SL20-10-AQUAPHOENIX SCIENTIFIC BUILDING ADDITION, Aquaphoenix Scientific, c/o Frank Lecrone, 860 Gitts Run Road, Hanover, PA 17331. A land development plan submitted in order to construct a building addition. The property is located at 860 Gitts Run Road in the Industrial zone. **There was no action taken on this plan.**

SL21-01-CLOVER LAND DEVELOPMENT (STONEWICKE V), Clover Lane Development, LP, 160 Ram Drive, Hanover, PA 17331. Final subdivision plan submitted to create fourteen (14) new residential lots. The property is located at Maple Lane (310 Clover Lane) in the R-15 zone. **There was no action taken on this plan.**

SL21-04-JENNIFER SWARTZ & RUSS RILL, 4655 Grandview Rd, Hanover, PA 17331. A subdivision plan was submitted in order to construct a minor add-on subdivision in the R-22 zone. The property is located at 4655 Grandview Rd, Hanover, PA 17331. **There was no action taken on this plan.**

SL21-05-ELSNER ENGINEERING WORKS, Elsner Engineering Works, 475 Fame Avenue, Hanover, PA 17331. A final subdivision plan was submitted in order to

construct an Industrial Building for the expansion of Elsner Engineering. The property is located West of the intersection Barnhart Drive and Industrial Drive, Hanover, PA in the I-Industrial zone.

Mr. Bill Pompeii, K&W Engineering represented this plan. Engineer Bortner reported that all York County Planning Commission and Penn Township Staff comments have been addressed. Mr. Pompeii stated that they are waiting for the NPDES permit which is under technical review, and is requesting for plan approval. Zoning Officer Smith stated that the Land Development plan is missing a box for the Planning Commission to add their signature for approval. Mr. Pompeii stated he would deliver plans with the added space.

Planners Black/Elksnis moved for a favorable recommendation to the Penn Township Board of Commissioners for SL21-05-Elsner Engineering Works Land Development Plan. Motion carried on a 4-0 vote.

SL21-06-HIGH POINTE LLC, 4175 Hanover Pike, Manchester, MD 21102. A final subdivision plan was submitted in order to create 31 new residential building lots and 1 Utility lot. The property is located between Beck Mill Road & Grandview Road in the R/C zone. **There was no action taken on this plan.**

SL21-07-STONEWICKE-PHASE III, Stonewicke, LP, 107 Little Bridge Road, Hanover, PA 17331. Final subdivision plan submitted to create Eighty-five (85) new single-family residential building lots. The property is located between Clover Lane & Grandview Road in the R-15 zone. **There was no action taken on this plan.**

SL21-08-CAMPBELL SNACKS HANOVER PLANT-LOCKER ROOM EXPANSION, Campbell Snacks, 1250 York Street, Hanover, PA 17331. A land development plan submitted in order to construct a new addition for locker room facilities. The property is located at 1250 York Street in the I-Industrial zone.

Mr. Kerry Good, Entech Engineering represented this plan. Mr. Good stated that he received notice of the denied waiver request for Section 303.B (Volume Controls) of the Stormwater Management Ordinance from last month's meeting. He reported the flour building is currently under construction and it was discovered that the stormwater basin on that plan has enough depth to accommodate this plan, therefore meeting the requirements of the Stormwater Ordinance.

Public Comments: There were none.

The meeting was adjourned at 8:09 p.m.

Respectfully submitted,

Donna M. Sweeney,
Recording Secretary